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EXAMINER

RAMAKRISHNAIAH, MELUR

ART UNIT PAPER NUMBER

2643

DATE MAILED: 09/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/755,491

Applicant(s)

KENT ET AL.

Examiner

Melur Ramakrishnaiah

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Double Patenting

1. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

2. Claims 1-32 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-32 of copending Application No.10/755,537 and over claims 1-24 of copending Application No. 10/755,552. Although the conflicting claims are not identical, they are not patentably distinct from each other because claim 1 of the present application is an obvious variation of claim 1 of copending Applications mentioned above.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1, 3-4, 6, are rejected under 35 U.S.C 102(e) as being anticipated by Reding et al. (US2004/0213312A1, Provisional Application No. 60/428,704, filed on Nov. 25,2002; Provisional Application No. 60/436,018, filed on Dec. 26,2002, hereinafter Reding).

Regarding claim 1, Reding discloses an intelligent interactive call handling system, comprising: a central office operable to trigger a query responsive to receiving a call request for a called party, a service control point (302, fig. 3) coupled to the central office, the service control point operable to receive the query, and trigger an internet call routing query, an internet call routing system (106, figs. 1, 3-5) coupled to the service control point, the internet call routing system being operable to receive the internet call routing query, determine the presence of the called party with respect to at least one registered communication device (114/112, fig. 5), send prompt to the called party at the least one registered communication device responsive to the presence determination, receive reply from the at least one communication device and route the call responsive to the reply (paragraphs: 0007; fig. 8, Paragraphs: 0097-0098; fig. 10, paragraphs: 0111-0127).

Regarding claims 3, 4, 6, Reding further teaches the following: presence engine coupled to the internet call routing system (106, figs. 1, 3-5), the presence engine being operable to determine the presence of any of the at least one registered communication

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device (paragraph: 0126), internet call routing query comprises an account number associated with the called party, a phone number associated with called party, etc (paragraph: 0112), at least one of short message (reads on notification) server, an instant messaging server in (106, figs. 1, 3-5) being coupled to the internet call routing system (106, figs. 1, 3-5), being operable to forward call the prompt to the registered communication device responsive to instructions from the internet call routing system (paragraph: 0115-0117).

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Reding in view of Cermak et al. (US 6,763,095, filed 9-24-2002, hereinafter Cermak)

Reding differs from claim 2 in that he does not teach the following: certificate authority coupled to internet call routing system, certificate authority being operable to authenticate the called party by searching a customer database for current subscription and payment information.

However, Cermak teaches the following: authentication system by using certificate provide by Public key Infrastructure (34, col. 5, line 60 – col. 6, line 2).

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify Reding's system to provide for the following: certificate

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authority coupled to internet call routing system, certificate authority being operable to authenticate the called party by searching a customer database for current subscription and payment information as this arrangement would provide means for identifying and authenticating users of the system, thereby providing means for checking the eligibility of users to use resources offered by the network.

4. Claim 5 7-10, 14, 15-16, 19-22, 24-25, 29-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reding in view of Moore, Jr. (US2003/0039242A1, hereinafter Moore).

Reding differs from claim 5 in that although he teaches connecting service control point (302, fig. 3) and internet call routing system (106, fig. 3) as shown in fig. 3; he does not teach the following: gateway for connecting them, the gateway being operable to translate protocols between signaling system 7 protocol and the internet protocol.

However, Moore teaches the following: gateway (45, fig. 1) connecting PSTN system (40, fig. 1) and Internet system for providing required interface for signal conditioning etc. (20, fig. 1, paragraph: 0031).

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify Reding's system to provide for the following: gateway for connecting them, the gateway being operable to translate protocols between signaling system 7 protocol and the internet protocol as this arrangement would provide well-known arrangement for connecting different kinds of networks for facilitating signal conditioning as is well known in the art.

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Regarding claims 7, Reding discloses an internet routing system, comprising: receive logic in (106, figs. 4-5) to receive a call query from a service control point (302, figs. 3, 5), presence logic (reads on 316, fig.s 4-5) coupled to receive logic, the presence logic being operable to determine whether a called party associated with the call query is present with respect to at least one registered communication device associated with the called party, user interface logic in (112-A, fig. 5) coupled to the presence logic, the user interface logic being operable send a prompt to the called party via the at least one registered communication device responsive to the presence information, and receive a reply from the called party, and forwarding logic(reads on 410, fig. 5) coupled to the user interface logic being operable to forward a call associated with the call query responsive to the reply (paragraphs: 0007; fig. 8, Paragraphs: 0097-0098; fig. 10, paragraphs: 0111-0127).

Regarding claims 15 and 24, Reding discloses a method of providing interactive call handling, comprising the steps of: receiving a call query from a service control point (302, figs. 3, 5), determining whether a called party associated with the call query is present with respect to one registered communication device associated with the called party, sending a prompt to the called party via at least one registered communication device responsive to the presence determination, receiving a reply from the called party via at least one registered communication device, and connecting the call responsive to reply (paragraphs: 0007; fig. 8, Paragraphs: 0097-0098; fig. 10, paragraphs: 0111-0127).

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Reding differs from claims 7, 15, 24 in that although he teaches receiving call query from a service control point (302, figs. 3-5); he does not teach the following: receiving it through a gateway.

However, Moore teaches the following: gateway (45, fig. 1) connecting PSTN system (40, fig. 1) and Internet system for providing required interface for signal conditioning etc. (20, fig. 1, paragraph: 0031).

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify Reding's system to provide for the following: receiving information through a gateway as this arrangement would provide well-known arrangement for connecting different kinds of networks for facilitating signal conditioning as is well known in the art.

Regarding claims 8-10, 14, 16, 19-22, 25, 29-31, Reding further teaches the following: a database offered to store profile associated with the called party including a list comprising the at least one registered communication device, the database being operable to provide the list associated with the called party to the presence logic (fig. 7, paragraphs: 0094, 0126), user interface logic comprises at least one of short message server, an electronic mail server, etc (paragraphs: 0094, 0115-0116), call query comprises an account number with the called party, a phone number associated with the called party, a registered identification associated with the called party, etc, at least one registered communication device comprises one of a cellular phone and an internet protocol phone (paragraphs: 0112-0114), prompt is an internet based message (paragraph: 0094).

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5. Claims 11-12, 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reding in view of Moore as applied to claims 7, 24 above, and further in view of Cermak.

The combination differs from claims 11-12 and 32 in that it does not teach the following: authentication logic coupled to the receive logic operable to employ the certificate associated with the called party to authenticate the called party, authentication logic authenticates the called party, and assures that the called party continues to subscribe to a service provided by the internet call routing system, using the certificate associated with the called party to authenticate the called party.

However, Cermak teaches the following: authentication system by using certificate provide by Public key Infrastructure (34, col. 5, line 60 – col. 6, line 2).

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify the combination to provide for the following: authentication logic coupled to the receive logic operable to employ the certificate associated with the called party to authenticate the called party, authentication logic authenticates the called party, and assures that the called party continues to subscribe to a service provided by the internet call routing system, using the certificate associated with the called party to authenticate the called party as this arrangement would provide means for identifying and authenticating users of the system, thereby providing means for checking the eligibility of users to use resources offered by the network.

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6. Claims 13,17-18, 26-27, 28, are rejected under 35 U.S.C. 103(a) as being unpatentable over Reding in view of Moore as applied to claims 7, 15, 24 above, and further in view of Balasuriya (US 2003/0041048).

The combination differs from claims 13,17-18, 26-27 in that it does not teach the following: rules engine being operable to parse at least one rule associated with the called party, the profile also including one rule for processing the call.

However, Balasuriya teaches the following: rules engine (34, fig. 1) being operable to parse at least one rule associated with the called party, the profile also including one rule for processing the call (fig. 1, paragraph: 0019).

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify the combination to provide for the following: rules engine being operable to parse at least one rule associated with the called party, the profile also including one rule for processing the call as this arrangement would facilitate call processing based on rules set by the subscriber as taught by Balasuriya (see claim 1).

Regarding claim 28, the combination teaches the following: prompt is an internet based message (paragraph: 0094).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melur Ramakrishnaiah whose telephone number is (571)272-8098. The examiner can normally be reached on 9 Hr schedule.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curt Kuntz can be reached on (571) 272-7499. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Melur Ramakrishnaiah
Primary Examiner
Art Unit 2643